

January 26, 2011

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JAN 31 2011

OFFICE OF PETITIONS

In re Patent No. 6,227,456
Issue Date: May 8, 2001
Application No. 09/512,096
Filed: February 24, 2000
Attorney Docket No. None
Petition Filed: October 1, 2010

SUBJECT: For Reconsideration of decision on petition, refusing to accept
unintentionally delayed payment of maintenance fee in an expired
patent under 37 CFR 1.378 (e)

TO: Alicia Kelly
Petitions Examiner
Office of Petitions

A petition fee of \$400.00 is enclosed as set forth in 37 CFR 1.17 (f) for the reconsideration of the filed petition 37 CFR 1.378 (c). A reference copy of the original petition has been enclosed for your review. The deficient surcharge amount of \$1,575.00 for the petition has also been enclosed. My explanation as to why I sent the \$65.00 amount for the surcharge for the petition is as follows. The USPTO online website listing for maintenance fees show two separate columns, with large entity amounts and small entity amounts that differ between the two. The surcharge after expiration line for late payment is unintentional showed the \$1,640.00 amount in the large entity column with a diagonal line separating the small entity column which was blank. This led me to believe I was sending you the correct surcharge amount for a small entity patent. I respectfully request for you to review this section of the USPTO website patent fee schedule.

Sincerely,



Peter Ingalls Colman
2818 52nd Avenue Terrace, West
Bradenton, FL 34207
Inventor

941-727-1888 home
941-266-3960 cell
941-752-0913 business



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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JAN 31 2011

OFFICE OF PETITIONS

DOROTHY S. MOORE
515 PARK DRIVE NW
BRADENTON, FL 34209-1847

MAILED

NOV 30 2010

OFFICE OF PETITIONS

In re Patent No. 6,227,456
Issue Date: May 8, 2001
Application No. 09/512,096
Filed: February 24, 2000
Attorney Docket No. None

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed October 1, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A grantable petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

The petition lacks item (3), above. The total fees required to reinstate this patent on October 1, 2010, is \$1,240 for the 7 ½ year maintenance fee and \$1,640 for the petition surcharge. Therefore the fees in the amount of \$1,305 are deficient by \$1,575.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is not a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

If petitioner does not wish to pursue reinstatement of this expired patent, petitioner may request a refund of the \$1,305 fees submitted with the petition. The request should be made in writing and addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

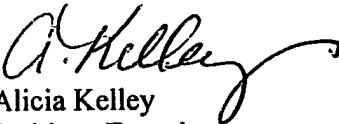
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6059.



Alicia Kelley
Petitions Examiner
Office of Petitions

cc: PETER INGALLS COLMAN
 2818 52ND AVENUE TERRACE, WEST
 BRADENTON, FL 34207

September 29, 2010

White Copy re
9-29-2010

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Reference: Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an
Expired Patent (37 CFR 1.378 (c)) Patent No. 6,227,456 Application No. 09512096

To: Director of the Office of Petitions

I am very concerned about the series of events that has lead me to petition you to accept this unintentionally delayed payment of the maintenance fee for the expired patent no. 6,227,456. On November 3, 2008, I was admitted to Manatee Memorial Hospital with a blood clot in my leg and a very serious infection in my foot. The doctor placed three stents in my leg and I was released on November 11, 2008. I was home for only three days and was readmitted to the hospital on November 15, 2008 because of complications with the blood flow through the stents in my leg. While in the hospital I almost died from a severe allergic reaction to heparin the blood thinner used in both operations to the same leg. Because of these complications I remained in the hospital until December 7, 2008. I am recovering very slowly and have experienced trouble in my concentration as a result of the prescription medication I am taking. Under my doctor's supervision, I have been monitored and I have had test done every 4 weeks since I left the hospital. As of November 2008, my wife has taken over the small business I started in 1997, since my poor health has restricted my work abilities. On September 29, 2010, she did a patent search for the maintenance fee schedule for my four patents to know when to pay the maintenance fees and she discovered that patent no. 6,227,456 had expired. My medical condition had clouded my memory and I did not realize that I had missed this payment. All of my patent correspondence is sent to my patent attorney's address as a back up reminder for the maintenance payment fee schedule. The attorney has been very helpful in the past to remind me of these maintenance payment fee dates. This time the attorney did not give me any reminder and the back up plan I had in place failed. I do not blame my attorney I am attributing this oversight to the medical hardship that I have experienced and I am now learning to live with. I respectfully request that you consider this expired patent no. 6,227,456 for reinstatement. From the beginning, this invention was test marketed and produced on a small scale with a favorable response from the consumers who purchased it at home shows and on our website. Four product molds were created for the invention. One set of molds failed to produce the product line, as a result a second set of molds were manufactured to produce the product line sold on our company website. The company has a registered Trademark name S Shower Twin® for the invention. I intend to produce another mold to develop the other half of the invention. This invention shows growth potential into the mainstream marketplace because of repeat customer loyalty and the ease of consumer installation. I have invested my time and all of my financial worth to develop this invention with the hope that it will be produced on a large scale commercial offering to the consumer. I understand how important this invention is and I will treat the future of this reinstated patent with great respect. Thank you, in advance for your attention to this matter.

Sincerely,



Peter Ingalls Colman
2818 52nd Avenue Terrace, West
Bradenton, FL 34207

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

RECEIVED

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

JAN 31 2011

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,227,456Application Number 09512096Issue Date 05/08/2001Filing Date 02/24/2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____


filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

09/29/2010

Date



Signature

Peter Ingalls Colman

Typed or Printed Name of Person Signing Certificate

02/01/2011 CKHLOK 00000006 09512096

01 EC:1599

1975.00.00

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Phylis
G-25-2010 PE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ <u>1,240.00</u>	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1,240.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 65.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 65.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 1,305.00☐ Please charge Deposit Account No. _____ the sum of \$ _____☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

White Copy of
9-29-2010

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

7. OVERPAYMENT

As to any overpayment made please

OR

☐

Credit to Deposit Account No. _____

☒

Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

Peter Ingalls Colman
Signature(s) of Petitioner(s)

09/29/2010

Date

Peter Ingalls Colman
Typed or printed name(s)

Registration Number, if applicable

941-266-3960

Telephone Number

2818 52nd Avenue Terrace, West

Address

Bradenton, FL 34207

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

☒

Maintenance Fee Payment

☒

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☒

Reference No. 8 Statement Letter attached with petition.

Note Maintenance Fee & Surcharge combined in check no. 2417

COPY

2417

63-4/630 FL 1097

PH 941-752-0913
LAKEWOOD BUSINESS PARK
4301 32ND ST W STE C10
BRADENTON, FL 34205-2796

Date 9/29/10

PAY to the order of Director of the U.S. Patent & Trademark Office \$ 1,305.⁰⁰

Small Business Development Bank of America

One thousand & three hundred & five & 00/100 Dollars

Bank of America water delivery system with small entity fee \$65. multiple fee ACH NT 08310027 \$1,240. each Appl. no. capability 1/1

[Signature]

MP

ORIGINAL CLASSIC